

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published August 3, 2004, on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 10, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

PI-83 In the Matter of the Commission, on its own motion, seeking to investigate the feasibility and propriety of the regulation of wireless carriers.

Tuesday, August 10, 2004:

7:00 PM Westside Community Conference Center, Room Keystone 5, 3534 South 108th (108th and Grover), Omaha. Commissioner Boyle chairing.

Thursday, August 12, 2004:

6:00 PM Commission Hearing Room, Lincoln. Commissioner Landis chairing.

Tuesday, August 17, 2004:

9:00 AM McKinley Education Center, Room 1, 301 West F Street, North Platte. Commissioner Vap chairing.

7:00 PM City Council Chambers, City Hall, 302 West 5th, McCook. Commissioner Vap chairing.

Thursday, August 19, 2004:

7:00 PM City Council Chambers, City Hall, 400 East Military, Second Floor, Fremont. Commissioner Lowell Johnson chairing.

Friday, August 13, 2004:

10:00 Commission Library, Lincoln.
Wireless E911 Advisory Board meeting.
Telephone conference bridge number is 402-472-6296.

GENERAL ADMINISTRATION (Cont.)

Wednesday, August 18, 2004:

- C-3221 Video Conference. Commission Library, Lincoln; and Kearney
PI-81 Public Library, 2020 1st Street, Kearney. In the Matter of
10:30 the Commission, on its own motion, seeking comment on the
 request by United Way of the Midlands to be assigned the
 use of "211" in Dawson, Phelps, Kearney, Harlan, Franklin,
 Buffalo and Gosper Counties for access to First Call for
 Help (FCFH), a comprehensive information and referral
 service. Commissioner Vap chairing.
- FC-1319 City Council Chambers, City Hall, 220 North Hastings
1:30 Avenue, Hastings. In the Matter of Kinder Morgan, Inc.,
 Lakewood Colorado, vs. City of Hastings, Hastings, alleging
 installation of duplicative and redundant natural gas
 piping and services in the City of Hastings and its
 environs. Commissioner Rod Johnson chairing.

Friday, August 20, 2004:

- C-3204 Commission Hearing Room, Lincoln. In the Matter of Sprint
10:00 Communications, L.P., Overland Park, Kansas, seeking
 approval of an amendment to its Certificate of Public
 Convenience and Necessity to provide local exchange
 telecommunications service in all exchanges within the
 State of Nebraska in which Sprint is not currently
 certificated. The telephone conference bridge number is
 402-472-6899. Commissioner Landis chairing.

Monday, August 23, 2004:

- 10:00 Video Conference. Commission Library, Lincoln; and McCook
 Community College, McMillen Hall, Room 208, 1205 East 3rd
 Street, McCook; and via telephone at 402-472-6292.
 Nebraska Internet Enhancement Fund Advisory Board meeting.

COMMUNICATIONS DEPARTMENT

- AD-308r In the Matter of Riddle & Associates, Draper, Utah, seek-
 ing authority to connect an automatic dialing-announcing
device: Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Anne Boyle, to enter an order granting the application.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank
Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not
Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

SC-005/ In the Matter of Maurice Gene Hand, Director, Communica-
DC-66 tions Department, and Jeffrey L. Pursley, Director,
Universal Service Fund Department, versus Long Distance
Savings: Gene Hand informed the Commission that an answer had been
received from the Defendants on August 2, 2004.

C-3233/ In the Matter of Chase 3000 Inc., Imperial; Skybeam,
PI-84 Scottsbluff; McCookNet Internet Service, McCook; Axtell-
Tech, Axtell; and Facspro Infotech Consulting, LLC, Brady,
seeking Commission rulemaking: Gene Hand informed the Commission that
the Motion to Stay has been denied by Hearing Officer order dated
August 5, 2004.

C-3228 In the Matter of Time Warner Cable Information Services
(Nebraska), LLC, d/b/a Time Warner Cable, Stamford, Connec-
ticut, seeking a certificate of authority to provide local and inter-
exchange voice services within the State of Nebraska: Gene Hand
informed the Commission that a pre-hearing conference order has been
entered scheduling a hearing for September 24, 2004, at 9:00 a.m. in
the Commission Library, Lincoln.

Gene Hand informed the Commission that a letter had been
received from AT&T regarding AT&T's proposed Voice over Internet
Protocol (VoIP) offering in Nebraska.

Gene Hand informed the Commission that USA Companies will
be providing Voice over Internet Protocol (VoIP) telephone service in
Nebraska under a five-year agreement with Sprint.

Gene Hand informed the Commission that Western Wireless has
filed a lawsuit in the U.S. District Court appealing the Commission
orders entered in all of the Local Number Portability dockets.

UNIVERSAL SERVICE FUND

Jeff Pursley discussed AT&T's Voice over Internet Protocol
(VoIP) offering in Nebraska.

GRAIN WAREHOUSE DEPARTMENT

The following shortage was discussed:

GW-182 Wheat at Haveman Grain Co., Inc., Murray.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve an Emergency Storage Plan for the 2004 fall harvest. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GW-5 In the Matter of Thelen Grain Company, Wood River, seeking cancellation of its Grain Warehouse License: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the application effective July 27, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting. The Commission also approved an application from B.J. Cunningham, Grand Island, to terminate a storage contract represented by warehouse receipt B393685 for 607.00 bushels of No. 2 yellow corn. The application was requested because the accrued storage had a value of \$4,003.71 while the value of the corn was \$1,377.89. John Fecht informed the Commission that the March 31, 2004, audited financial statement for Thelen Grain contained apparent errors.

GW-537 In the Matter of Cooperative Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. GW8 in the amount of \$500,000.00, issued on behalf of Cooperative Supply, Inc., Dodge, Howells, Leigh, and Richland: Application was granted effective August 1, 2004.

GW-1107 In the Matter of Farmers Cooperative Association of McCool Junction Nebraska, McCool Junction and Lushton, seeking cancellation of its Grain Warehouse License: Application was granted effective August 1, 2004.

GW-2119 In the Matter of M.G. Waldbaum Company, dba Wayne Grain & Feed, Wayne, seeking a \$250,000.00 deductible on its stock insurance coverage: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting. An order was entered granting the request.

GW-2126 In the Matter of Chris Schrader, dba CST Grain, Benkelman, seeking cancellation of his Grain Warehouse License: Application was granted effective August 1, 2004.

GW-2126 In the Matter of Capitol Indemnity Corporation seeking cancellation of its Continuous Public Grain Warehouse Bond No. 738333 in the amount of \$27,700.00, issued on behalf of Chris Schrader, dba CST Grain, Parks: Application was granted effective August 1, 2004.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2163 In the Matter of Edgar Grain Company, Edgar, seeking cancellation of its Public Grain Warehouse License: Application was granted effective August 1, 2004.

John Fecht informed the Commission that there are two grain warehouse licenses and nine grain dealer licenses that have not been renewed due to background checks.

John Fecht informed the Commission that there are 14 grain warehouse bonds not filed for the two cent increase for review of financial statements. The department will move forward with show cause proceedings beginning August 24, 2004.

TRANSPORTATION DEPARTMENT

B-1634 In the Matter of Liberty Transportation, Inc., Omaha, seeking authority as a common carrier of passengers in open class service by vans between points in Douglas, Sarpy, Cass, and Washington counties over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. The applicant filed a Motion for Rehearing and/or Reconsideration. Motions to Overrule said motion have also been received from two protestants. An oral hearing was not requested by the applicant. The Commission determined that an oral argument is not necessary. A ruling on the Motion for Rehearing and/or Reconsideration and an appropriate order will be entered at the Commission meeting on August 24, 2004.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F. The fuel surcharge was retained at 28 cents per mile and the taxi surcharge was decreased to 40 cents per trip.

Commissioner Landis exited the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve the following Commission invoices: Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE and Commissioners Rod Johnson and Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

Department of Corrections	\$ 1,508.01
Anne Boyle	135.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGN Sales	484.05
Aksarben TDD Service	1,657.80
Associated Hearing Health Care	454.15
Bosler Hearing Aid Center	677.50
Dynavox Systems, LLC	1,588.00
Maxi Aids Product	532.35
Carl A Johnson	3,864.35
K-D Communications	6,156.60
League of Human Dignity	684.00
Hearing Aid Specialists	1,596.00
Professional Hearing Aid Services	1,804.80
R & J Enterprises	2,157.63
Sherard Hearing Aid Center	2,109.01
Teltex	1,611.34
Hearing Clinic Inc	300.00

Upon agreement of all Commissioners present, authorization was granted for Steve Stovall to attend the National Association of State Relay Administration (NASRA) Conference to be held in Charleston, South Carolina, from September 8-12, 2004.

Upon agreement of all Commissioners present, authorization was granted for Gene Hand to attend the Intercarrier Compensation Workshop and Qwest Regional Oversight Committee Meeting to be held in Missoula, Montana, from September 10-13, 2004.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to attend the National Association of Water Companies Annual Convention to be held in Palm Springs, California, from October 10-13, 2004.

John Burvainis lead a discussion on the Commission budget for FY 2005-06 and 2006-07.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to go into closed session to discuss personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting. The Commission went into closed session at 11:00 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting. The Commission returned to open session at 11:10 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to open the administrative assistant position and contract with a temporary employment service to fill the position if needed. The motion was approved without objection.

The meeting adjourned at 11:15 a.m. with Commissioners Boyle, Lowell Johnson, and Vap present and Commissioner Rod Johnson and Landis excused. The next regularly scheduled meeting will be held on August 24, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 23, 2004.

Chairman

Executive Director